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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/522,353	ROBERTSON, IAN M	
	Examiner	Art Unit	
	JEFFREY NICKERSON	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Application No. 10/522,353 filed nationally on 26 January 2005 and internationally on 29 July 2003. The response presented on 07 September 2010, which amends claims 1, 3, 39, adds claims 50-51, and presents arguments, is hereby acknowledged. Claims 1-51 are currently pending and have been examined.

35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Response to Arguments

3. Applicant's claim amendments and arguments, filed in the response dated 07 September 2010, regarding the rejections under 35 USC 112 second paragraph have been fully considered and are at least persuasive-in-part. All outstanding rejections under 35 USC 112 second paragraph are hereby withdrawn.

35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Response to Arguments

5. Applicant's claim amendments and arguments, filed in the response dated 07 September 2010, regarding the rejections under 35 USC 101 have been fully considered and are at least persuasive-in-part. All outstanding rejections under 35 USC 101 are hereby withdrawn.

35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Response to Arguments

7. Applicant's amendments and arguments, filed in the response dated 07 September 2010, regarding the rejections under 35 USC 103 have been fully considered but they are not persuasive.

Independent claims 1 and 39

Applicant argues the combined teachings fail to render obvious at least one limitation found within these claims. Specifically, applicant argues the combined teachings fails to render obvious the following:

> *"wherein the message characteristics of the outgoing message are controlled based on the content of the outgoing message"*.

Applicant's arguments are based on the premise that Ramsdell only teaches controlling characteristics based on the messages being related, not based on the content.

The examiner respectfully disagrees and finds these arguments unpersuasive. Ramsdell teaches controlling message characteristics of an outgoing message when the outgoing message is determined to be related to a previously received message (Ramsdell: pg 10, section 2.7.1.2). Ramsdell uses recipient matching to determine if messages are related (Ramsdell: pg 10, section 2.7.1.2, if the outgoing recipient matches a previously-received messages' sender). One of ordinary skill in the art would readily recognize that other methods for identifying related messages could exist, other than recipient/sender matching. Klein, for instance, teaches using message contents for identifying that messages are related (Klein: Figure 7; col 11, lines 27-52). With the combination of Klein with that of Ramsdell, one would be able to control message characteristics based on whether the messages were related, and determine whether the messages were related based on their contents. Thus since the characteristics are set based on whether the messages are related, and whether the messages are related

is based on their contents, then the characteristics are therefore controlled based on their contents. If A is based on B, and B is based on C, then A is based on C.

Applicant's arguments are ultimately unpersuasive and, therefore, the rejections of these claims are hereby maintained.

Dependent claims 50

Applicant argues the combined teachings fail to render obvious at least one limitation found within claim 50. Specifically applicant argues the combined teachings fail to render obvious the following:

> *"selecting one set of messaging settings of the first and second message to control the characteristics of the outgoing message based on whether the settings are conflicted and based on the content of the outgoing message"*

Applicant's argument is based on the premise that Ramsdell's system sends multiple distinct messages if there are conflicting encryption settings between multiple past received messages related to the outgoing message.

The examiner respectfully disagrees and finds these arguments. Of note is that the limitation argued by applicant is not recited, verbatim, within claim 50. Also of note is that the claim does not recite that the first and second message characteristics are different. Nor does the claim recite that the selection, under circumstance of conflicting message settings, is of *only* one characteristic. For example, Ramsdell teaches using

the overlapping encryption setting in the case of a message with multiple recipients (Ramsdell: pg 11, section 2.7.3), and thus provides for selecting a messaging setting associated with the first and second message characteristics if the first and second message characteristics do not include conflicting message characteristics (for example, the same encryption type if both past messages from received from two different recipients used the same encryption type). Ramsdell also teaches sending multiple messages if the encryption capabilities don't overlap for multiple recipients (Ramsdell: pg 11, section 2.7.3). Thus Ramsdell teaches selecting at least two encryption settings where the past messages from two different recipients use two different encryption algorithms. Thus Ramsdell provides for selecting *one* of the first and second message characteristics if the first and second message characteristics include conflicting message characteristics. With regard to the characteristics being based on the content of the outgoing message, please see the response to arguments of claims 1 and 39.

Applicant's arguments are ultimately unpersuasive and, therefore, the rejection of this claim will be set forth as above.

Dependent claim 51

Applicant argues the combined teachings fail to render obvious at least one limitation found within claim 51. Specifically applicant argues the combined teachings fail to render obvious the following:

"wherein the selected messaging settings associated with the message characteristics of the received message are used to control message characteristics of any subsequent outgoing messages related to the received message."

Applicant's argument is based on the premise that Ramsdell's system mirrors the encryption settings of the most recently received related message, and thus it would not work with multiple outgoing messages.

The examiner respectfully disagrees and finds these arguments unpersuasive. This limitation is met by the Ramsdell system in the instance where only one message is received, and then all subsequent outgoing messages related to the one received message are sent, with no other messages being received.

Applicant's arguments are ultimately unpersuasive and, therefore, the rejection of this claim will be set forth as above.

Dependent claims 2-38 and 40-49

Applicant argues these claims conditionally based upon the arguments presented for their parent claim(s).

Applicant's arguments are ultimately unpersuasive and, therefore, the rejections of these claims are hereby maintained.

Claim Rejections

8. Claims 1-8, 21-27, 33-34, 36-37, and 39-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999); and in further view of Klein (US 6,496,853 B1), and Baldonado (US 7,035,903 B1).

Regarding claim 1, Ramsdell teaches a method of mimetic settings selection on a messaging client (sending agent), comprising the steps of:

detecting, with a processor, an outgoing message (Ramsdell: pg 9, lines 22-23 specify the sending agent recognizing it is sending a message);

determining, with a processor, whether the outgoing message is related to a previously received message, the received message having message characteristics (Ramsdell: pg 10, lines 28-40 specify that if encryption capabilities aren't readily known that it should try to find a recently received message from that recipient, the recently received message having being encrypted);

wherein said determining whether the outgoing message is related to the previously received message is based upon the outgoing message and the previously received message having a characteristic in common or comprising a message thread (Ramsdell: pg 10, lines 28-40);

determining, with a processor, messaging settings (encryption algorithm) associated with the message characteristics (encryption) of the received message where the outgoing message is related to a previously received message (Ramsdell: pg

10, 28-40 specify that if a related message is found its encryption algorithm should be used); and

selecting, with a processor, the messaging settings (encryption algorithm) with the message characteristics (encryption) of the received message to control message characteristics (encryption) of the outgoing message (Ramsdell: pg 10, lines 28-40 specify that the encryption algorithm of the related message be used on the outgoing message);

wherein the message characteristics of the outgoing message are controlled based on the outgoing message being related to a previously-received message (Ramsdell: pg 10, section 2.7.1.2 Rule 2 provides for using encryption of most recent previously received encrypted message from recipient).

Ramsdell does not teach wherein the characteristic for determining messages are related is the contents of the messages; or

wherein an outgoing message is related to a previously-received message based on the content of the outgoing message.

Klein, in a similar field of endeavor, teaches wherein the characteristic for determining messages are related is the contents of the messages (Klein: Figure 7; col 11, lines 27-52); and

wherein a first message is related to a previously-received message based on the content of the first message (Klein: Figure 7; col 11, lines 27-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Klein for identifying related messages

based on message contents. The teachings of Klein, when implemented in the Ramsdell system, will allow one of ordinary skill in the art to identify related messages based on a multitude of criteria. One of ordinary skill in the art would be motivated to utilize the teachings of Klein in the Ramsdell system in order to more efficiently and effectively identify related messages based on various criteria consisting of more than just the recipient information.

The Ramsdell/Klein system does not teach wherein the first message is an outgoing message.

Baldonado, in a similar field of endeavor, teaches wherein the first message is an outgoing message (Baldonado: abstract; Figure 4, step S120; col 4, lines 56 – col 5, line 2; col 5, lines 36-61; col 6, lines 8-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Baldonado for identifying related messages for an outgoing message. The teachings of Baldonado, when implemented in the Ramsdell/Klein system, will allow one of ordinary skill in the art to identify related messages for outgoing messages based on multiple criteria. One of ordinary skill in the art would be motivated to utilize the teachings of Baldonado in the Ramsdell/Klein system in order to allow users to be made aware of related messages while they are constructing a new outgoing one.

Regarding claim 2, the Ramsdell/Klein/Baldonado system teaches wherein the step of determining whether the outgoing message is related to a previously received message

comprises the step of determining whether the outgoing message includes a portion of the previously received message (Klein: col 11, line 43-52 specify using message contents to identify related messages; See also Figure 7; See also col 11, lines 27-38).

Regarding claim 3, the Ramsdell/Klein/Baldonado system teaches wherein the outgoing message comprises an attachment that is common to a previously received attachment received with the previously received message (Baldonado: col 4, line 56 – col 5, line 2 provides for outgoing emails; Klein: col 9, lines 6-9 provide that the message contents/subject matter may be attachments); and

wherein the step of determining whether the outgoing message includes a portion of a previously received message comprises the step of determining whether the outgoing message includes the attachment that is common to the previously received attachment (Baldonado: col 4, line 56 – col 5, line 2 provides that subject matter of the outgoing email may be used to identify related messages via a keyword search; Klein: col 11, lines 43-52 specify using message contents/subject matter to identify related messages; See also Figure 7; col 9, lines 6-9 specify that "message contents" include attached documents).

Regarding claim 4, the Ramsdell/Klein/Baldonado system teaches wherein the step of determining whether the outgoing message is related to a previously received message comprises the step of determining whether the outgoing message is a reply to a previously received message (Klein: col 1, lines 33-38).

Regarding claim 5, the Ramsdell/Klein/Baldonado system teaches wherein the step of determining the outgoing message is related to a previously received message comprises the step of determining whether the outgoing message is a forward message incorporating a previously received message (Klein: col 1, lines 33-38).

Regarding claim 6, the Ramsdell/Klein/Baldonado system teaches wherein the step of determining messaging settings (signature algorithm/encryption algorithm) comprises the steps of:

analyzing the received message to determine the message characteristics (Ramsdell: pg 10, lines 33-36 specify the previously received message is analyzed to determine the encryption);

determining messaging settings (encryption algorithm) that control the message characteristics (Ramsdell: pg 10, lines 37-40 specify using the received message's encryption to determine the encryption algorithm for the outgoing message).

Regarding claim 7, the Ramsdell/Klein/Baldonado system teaches wherein the message characteristics are specified in the received message, (Ramsdell: pg 20, lines 20-21 specify there is a field that contains the signature information) and wherein the step of determining message settings comprises the steps of:

accessing the specified message characteristics (Ramsdell: pg 23, lines 21-43 specify that the header can contain signature information; pg 10, lines 28-40 specify that

the encryption algorithm of a received message would only be used if it is both encrypted and signed, therefore the signature would have to be checked);

and determining messaging settings that control the specified message characteristics (Ramsdell: pg 10, lines 28-40 specify determining the outgoing message encryption).

Regarding claim 8, the Ramsdell/Klein/Baldonado system teaches wherein the received message (MIME entity) comprises a messaging settings field (header) specifying messaging settings (the signature information) used for the received message, (Ramsdell: pg 20, lines 20-21 specify there is a field that contains the signature information)

and wherein the step of determining messaging settings (outgoing encryption algorithm) comprises the step of accessing the messaging settings field in the received message (Ramsdell: pg 23, lines 21-43 specify that the header can contain signature information; pg 10, lines 28-40 specify that the encryption algorithm of a received message would only be used if it is both encrypted and signed, therefore the signature would have to be checked, possibly via accessing the header).

Regarding claim 21, the Ramsdell/Klein/Baldonado system teaches wherein the message characteristics (both digital signature and encryption) of the received message comprise a message characteristic associated with a plurality of messaging settings (both encryption algorithm and signature algorithm), and wherein the step of selecting

the messaging settings comprises the step of selecting one of the plurality of messaging settings (Ramsdell: pg 6, lines 18-21 indicate there is more than one type of signature and encryption algorithms that could be associated with a received message; pg 27, line 43 – pg 28, line 22 specify a handful of different encryption and signature algorithms; pg 10, lines 37-40 specify one of the algorithms is chosen for the outgoing message).

Regarding claim 22, the Ramsdell/Klein/Baldonado system teaches wherein the steps of determining messaging settings and selecting the messaging settings are repeated for each received message to which the outgoing message is related (Ramsdell: pg 11, lines 23-33 specify that if an outgoing message is addressed to multiple recipients, the multiple previously received messages may be analyzed to determine an encryption algorithm for each recipient).

Regarding claim 23, the Ramsdell/Klein/Baldonado system teaches wherein the outgoing message is related to a first received message having first message characteristics and a second received message having second message characteristics (Ramsdell: pg 11, lines 23-33 specify that an outgoing message could be addressed to multiple recipients with different encryption algorithms; pg 10, lines 28-40 specify the encryption determination can be done on previously received messages), and wherein the step of selecting the messaging settings associated with the message characteristics of the received message further comprises the steps of:

determining whether the first and second message characteristics (encryption) include conflicting messaging characteristics; (Ramsdell: pg 11, lines 23-33 specify the ability to identify if encryption algorithms don't overlap, and therefore conflict)

selecting the messaging settings (encryption) associated with the first and second message characteristics where the first and second message characteristics do not include conflicting messaging settings (Ramsdell: pg 11, lines 23-33 specify that if the encryption algorithms of the intended recipients don't overlap, the sending agent must then use multiple sending encryption algorithms. This provides that if the encryption algorithms do overlap, and therefore do not conflict, then it would not need to use multiple sending encryption algorithms and therefore encrypt the message with the overlapping encryption algorithm).

Regarding claim 24, the Ramsdell/Klein/Baldonado system teaches wherein the outgoing message is related to a first received message having first message characteristics and a second received message having second message characteristics (Ramsdell: pg 11, lines 23-33 specify that an outgoing message could be addressed to multiple recipients with different encryption algorithms; pg 10, lines 28-40 specify the encryption determination can be done on previously received messages), and wherein the step of selecting the messaging settings associated with the message characteristics of the received message further comprises the steps of:

determining whether messaging settings (encryption capabilities) associated with the first and second message characteristics include conflicting messaging settings;

(Ramsdell: pg 11, lines 23-33 specify the ability to identify if encryption algorithms don't overlap, and therefore conflict)

selecting the messaging settings (encryption) associated with the first and second message characteristics where the messaging settings associated with the first and second message characteristics do not include conflicting messaging settings (Ramsdell: pg 11, lines 23-33 specify that if the encryption algorithms of the intended recipients don't overlap, the sending agent must then use multiple sending encryption algorithms).

Regarding claim 25, the Ramsdell/Klein/Baldonado system teaches wherein the step of selecting the messaging settings associated with the message characteristics of the received message further comprises the step of:

resolving conflicting messaging characteristics where the first and second message characteristics include conflicting message characteristics (Ramsdell: pg 11, lines 23-33 specify that if the encryption capabilities conflict, then two separate message could be sent with the differing encryption algorithms).

Regarding claim 26, the Ramsdell/Klein/Baldonado system teaches wherein the step of selecting the messaging settings associated with the message characteristics of the received message further comprises the step of:

resolving conflicting messaging settings where the messaging settings associated with the first and second message characteristics include the messaging

settings (Ramsdell: pg 11, lines 23-33 specify that if the encryption capabilities conflict, then two separate message could be sent with the differing encryption algorithms).

Regarding claim 27, the Ramsdell/Klein/Baldonado system teaches wherein the step of resolving the conflicting messaging settings comprises selecting most secure messaging settings among the conflicting messaging settings (Ramsdell: pg 11, lines 23-33 specify that the message should only be sent with the strongest algorithm because it could easily be intercepted and broken if a second copy is sent with a weaker algorithm).

Regarding claim 33, the Ramsdell/Klein/Baldonado system teaches wherein the message characteristics of the received message comprise one or more characteristics selected from the group consisting of:

message format, message font, common message text, message signing (signatures), and message encryption (Ramsdell: pg 10, lines 28-40 specify the received encrypted message will be checked for a trusted signature, covering both signatures and encryption characteristics).

Regarding claim 34, the Ramsdell/Klein/Baldonado system teaches wherein the message signing and the message encryption are signing and encryption according to Secure Multipurpose Internet Mail Extensions (Ramsdell: Pg 1, lines 21-27 specify the security throughout the publication is about S/MIME encryption and signatures).

Regarding claim 36, the Ramsdell/Klein/Baldonado system teaches wherein the messaging client operates on a wireless mobile communication device (Klein: Figure 1; col 4, lines 58-67).

Regarding claim 37, the Ramsdell/Klein/Baldonado system teaches wherein the messaging client operates on a personal computer (Klein: Figure 1).

Regarding claim 39, this system claim comprises limitations found within claim 1 and the same rationale of rejection is used, where applicable, and wherein the system contains a message store configured to store messages having message characteristics (Ramsdell: pg 10, 28-40 specify the past received messages are analyzed for past used encryption techniques, indicating that the messages are stored, along with their characteristics; See also pg 8, lines 24-26).

Regarding claim 40, the Ramsdell/Klein/Baldonado system teaches wherein the message store is configured to store messages received by the messaging client and messages sent (pending to be sent) by the messaging client (Klein: col 3, lines 30-33 specify a message storage portion that contains received messages and pending messages; col 2, lines 3-18 specify storing threaded message conversation, implying it stores both those received and sent; See also Figure 1, item 159).

Regarding claim 41, the Ramsdell/Klein/Baldonado system teaches wherein the messaging client is further configured to determine whether the outgoing message is related to any of the messages received by the messaging client (Klein: Figure 4, item 420; col 11, lines 43-52).

Regarding claim 42, the Ramsdell/Klein/Baldonado system teaches wherein the messages in the message store include a message comprising a messaging settings field specifying messaging settings used to control the message characteristics of the message (Ramsdell: pg 10, lines 28-40 and pg 20, lines 20-21 specify accessing the signature header information to determine and control reply message encryption).

Regarding claim 43, the Ramsdell/Klein/Baldonado system teaches wherein the messaging client is further configured to select the messaging settings specified in the messaging settings field of the message in the message store to which the outgoing message is related (Ramsdell: pg 10, lines 28-40, pg 20, lines 20-21 specify the header and controlling of the message; Klein: Figure 1, item 159 depicts the messages can be stored).

Regarding claim 44, the Ramsdell/Klein/Baldonado system teaches further comprising a messaging settings store specifying messaging settings used to control the message characteristics of the messages in the store (Ramsdell: pg 8, lines 24-26 specify storing the preference data after analyzing a received message).

Regarding claim 45, the Ramsdell/Klein/Baldonado system teaches wherein the message store and the messaging settings store are indexed by message identifiers (Klein: Figure 3, item 315 and 325; See also col 8, lines 23-41).

Regarding claim 46, the Ramsdell/Klein/Baldonado system teaches wherein

the messaging client is further configured to access the messaging settings store (Ramsdell: pg 8, lines 24-26 specify storing the preference data after analyzing a received message is possible),

and to select the messaging settings specified in the messaging settings store for the message in the message store to which the outgoing message is related (Ramsdell: pg 10, lines 28-40).

Regarding claim 47, the Ramsdell/Klein/Baldonado system teaches wherein the system is implemented in a device selected from the group consisting of: a personal computer system (recipient computer systems), a handheld electronic device, a wireless mobile communication device, a mobile telephone having data communication functionality, a two-way pager, a voice communication device, a data communication device, and a dual-mode communication device (Klein: Figure 1, item 150 depicts a personal computer; See also col 3, lines 23-38).

Regarding claim 48, the Ramsdell/Klein/Baldonado system teaches wherein the message characteristics of the messages in the message store comprise secure messaging characteristics selected from the group consisting of: message signing and message encryption (Ramsdell: pg 10, lines 28-40 specify the adjusted outgoing message characteristic is encryption and the received message store contains both signature and encryption information).

Regarding claim 50, the Ramsdell/Klein/Baldonado system wherein messaging settings are determined for each of a plurality of received messages to which the outgoing message is related (Ramsdell: pg 11, section 2.7.3);

wherein the outgoing message is related to a first received message having first message characteristics and a second received message having second message characteristics (Ramsdell: pg 10, section 2.7.1.1-2.7.1.2 provides receiving encrypted from multiple recipients and maintaining capability lists for them), and wherein the step of selecting the messaging settings associated with the message characteristics of the received message further comprises the steps of:

determining whether the first and second message characteristics include conflicting message characteristics (Ramsdell: pg 11, section 2.7.3 provides for identifying if capability lists overlap for multiple recipients);

selecting messaging settings associated with the first and second message characteristics if the first and second message characteristics do not include conflicting

message characteristics (Ramsdell: pg 11, section 2.7.3 provides not splitting on overlap; See also 2.7.1.1 for choosing preferred); and

selecting one of the first and second message characteristics based on the content of the outgoing message if the first and second message characteristics include conflicting message characteristics (Ramsdell: pg 11, section 2.7.3 provides for selecting at least one algorithm if the capabilities are conflicting).

Regarding claim 51, the Ramsdell/Klein/Baldonado system teaches wherein the selected messaging settings associated with the message characteristics of the received message are used to control message characteristics of any subsequent outgoing messages related to the received message (Ramsdell: pg 10, section 2.7.1.2 provides if only one message is received, any subsequent sent message will have same encryption type).

9. Claims 9-14, 16-17, 28-32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999); in view of Klein (US 6,496,853 B1), and Baldonado (US 7,035,903 B1); and in further view of Thorne et al (US 5,958,005).

Regarding claim 9, the Ramsdell/Klein/Baldonado system teaches wherein the received message further comprises messaging settings and wherein the step of selecting

settings comprises the step of selecting settings based off the received message settings.

The Ramsdell/Klein/Baldonado system does not teach wherein the message settings are control flags, nor does he choose selecting a setting based on the control flags.

Thorne, in a similar field of endeavor, teaches wherein the received message further comprises messaging settings control flags (Thorne: col 8, lines 27-42 specify that the original message may contain various control flags; See Figure 4 for all flag types); and

wherein the step of selecting comprises the step of selecting messaging settings based on the control flags (Thorne: col 10, lines 35-63 specify that the 'Display Times' indicator of the received message affects the duration of display for the message being composed as a reply as the outgoing message).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Thorne for using control flags to indicate setting attributes. The teachings of Thorne, when implemented in the Ramsdell/Klein/Baldonado system, will allow one of ordinary skill in the art to quickly identify particular message settings characteristics in a Boolean fashion. One of ordinary skill in the art would be motivated to utilize the teachings of Thorne in the Ramsdell/Klein/Baldonado system in order to provide more flexibility with the use of message settings.

Regarding claim 10 the Ramsdell/Klein/Baldonado/Thorne system teaches wherein

the control flags indicate which of the messaging settings specified in the messaging settings field (Thorne: col 10, lines 1-25 specify various flags controlling actions associated with the received email) must be selected for the outgoing message (Ramsdell: pg 10, lines 28-40 specify when the action is an outgoing message setting, such as an encryption algorithm).

Regarding claim 11, the Ramsdell/Klein/Baldonado/Thorne system teaches wherein

the message characteristics of the received message (Ramsdell: col 10, lines 28-40 specify received message characteristics being applied to outgoing messages) comprise required message characteristics (Thorne: Figure 3, one of items 306, 308, and 310 must be elected if the outgoing message is specified as being secure); and

the step of selecting comprises the step of confirming that messaging settings associated with the required message characteristics are selected (Thorne: Figure 3, item 310 back to item 304 contains a flow path that depicts confirming whether either item 306, 308, or 310 are selected).

Regarding claim 12, the Ramsdell/Klein/Baldonado/Thorne system teaches further comprising the step of alerting a user where messaging settings associated with the required message characteristics are not selected (Thorne: Figure 3, item 310 back to item 304 provides that the user is then prompted to select whether the document should

be secure or not if none of the options are selected; col 7, lines 16-20 specify that the user may be prompted with a yes/no choice to indicate whether the message is secure).

Regarding claim 13, the Ramsdell/Klein/Baldonado/Thorne system teaches wherein the message characteristics of the received message (Ramsdell: col 10, lines 28-40) comprise required message characteristics (Thorne: col 7, lines 1-20 specify that all the control flags are required to be set with either a Yes or No choice by user input or maintaining their default settings; See also Figure 3), further comprising the steps of:

receiving an input from a user of the messaging client (Thorne: col 7, lines 1-20 specify user input; See Figure 3, items 306, 308, 310);

determining whether the input changes any of the required message characteristics (Thorne: Figure 3, item 310 into 304 depicts it determining if one has changed);

alerting the user where the input changes any of the required message characteristics (Thorne: Figure 3, item 310 into 304 depicts alerting the user when user input does not correctly change required characteristics).

Regarding claim 14, the Ramsdell/Klein/Baldonado/Thorne system teaches wherein the input specifies further messaging settings (Thorne: Figure 3, any setting besides 306, 308, or 310) in addition to the messaging settings associated with the required message characteristics, further comprising the steps of:

selecting the further messaging settings in addition to the messaging settings associated with the required message characteristics to control the message characteristics of the outgoing message (Thorne: Figure 3, items 306-320 depict user selecting multiple message settings, some required and some not).

Regarding claim 16, the Ramsdell/Klein/Baldonado/Thorne system teaches wherein the received message (Ramsdell: pg 23, lines 21-43 specify the use of headers of a received message to identify characteristics) comprises control flags indicating the required message characteristics (Thorne: col 8, lines 28-42 specify flags in the header for indicating if a secure characteristic flag, i.e. secret, confidential, or restricted, is required; See also Figure 4).

Regarding claim 17, the Ramsdell/Klein/Baldonado/Thorne system teaches wherein the message characteristics of the received message (Ramsdell: pg 23, lines 21-43 specify the use of headers of a received message to identify characteristics) further comprise optional message characteristics (Thorne: col 7, line 66 – col 8, line 12 specify various optional characteristics of an outgoing message).

Regarding claim 28, the Ramsdell/Klein/Baldonado/Thorne system teaches wherein the step of resolving the conflicting messaging settings (Thorne: Figure 3, item 310 into 304 identifies when 'Secure?' has been answered with 'Yes' but no level of security has been chosen) comprises the steps of:

alerting a user of the messaging client to the conflicting messaging settings (Thorne: Figure 3, item 310 into 304 provides the user is re-prompted for the security flag choice, thereby alerting the user);

prompting the user to choose which of the conflicting messaging settings should be selected (Thorne: Figure 3, item 310 into 304 provides prompting the user to re-choose the secure document setting and cycles through items 304 to 310 until the conflict is resolved).

Regarding claim 29, the Ramsdell/Klein/Baldonado/Thorne system teaches further comprising the steps of:

determining whether the received message comprises message restrictions established by a message sender (Thorne: col 10, lines 1-25 specify various restrictions that can be applied to a message being read or composed) where the outgoing message is related to a previously received message (Ramsdell: pg 10, 28-40);

determining whether processing of the outgoing message is allowed by the message restrictions where the received message comprises message restrictions (Thorne, col 10, lines 1-25 specify an do-not-forward specification); and

processing the outgoing message in accordance with the selected messaging settings where processing of the outgoing message is allowed by the message restrictions (Thorne: col 10, lines 1-25 specify that forwarding an email is processed in accordance with the restriction of the received message).

Regarding claim 30, the Ramsdell/Klein/Baldonado/Thorne system teaches a method further comprising:

contacting the message sender where the received message comprises message restrictions (Thorne: col 10, lines 51-53 specify that an auto-countdown expiration restriction can be extended, e.g. temporarily overridden, based off user input).

Regarding claim 31, the Ramsdell/Klein/Baldonado/Thorne system teaches a method further comprising:

contacting the message sender to request permission to process the outgoing message where processing of the outgoing message is not allowed by the message restrictions (Thorne: col 10, lines 35-53 specify that the notifications such as "Display Time Exceeded" can be shown to user once the auto-countdown expiration restriction has expired);

processing the outgoing message in accordance with the selected messaging settings where a response (user input, such as indicating a reply is to be sent) comprising permission to process the outgoing message is received from the message sender (Thorne: col 10, lines 51-54 specify that the user input can temporarily override this restriction, such as when constructing a reply).

Regarding claim 32, the Ramsdell/Klein/Baldonado/Thorne system teaches wherein the response further comprises an indication of required messaging settings to be used in

the processing of the outgoing message (Thorne: col 10, lines 63-65 specify that after an indication of reply has been made by the user, e.g. a response, certain messaging settings are adjusted, such as the portion of the original message being removed from the reply).

Regarding claim 38, the Ramsdell/Klein/Baldonado/Thorne system teaches a method further comprising the step of:

selecting default messaging settings to control message characteristics of the outgoing message where the outgoing message is not related to a previously received message (Thorne: col 7, lines 1-15 specify that default settings can be used in the composition of a new message).

10. Claims 15 and 19-20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999); in view of Klein (US 6,496,853 B1), Baldonado (US 7,035,903 B1), and Thorne et al (US 5,958,005); and in further view of Official Notice.

Regarding claim 15, the Ramsdell/Klein/Baldonado/Thorne system teaches controlling user input with regard to message characteristics (Thorne: col 8, lines 27-42 provides for requiring a user to input).

The Ramsdell/Klein/Baldonado/Thorne system does not teach wherein controlling consists of ignoring the input where the input changes any of a required characteristic.

An official notice is taken that such use of ignoring user input as a form of controlling user input was well known in the art at the time the invention was made by one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize these known teachings for ignoring user input change to a required setting. These teachings, when implemented in the Ramsdell/Klein/Baldonado/Thorne system, will allow one of ordinary skill in the art to ignore senders changing required encryption settings set by an intended recipient. One of ordinary skill in the art would be motivated to utilize these teachings in the Ramsdell/Klein/Baldonado/Thorne system in order to enforce intended recipient settings.

Regarding claim 19, the Ramsdell/Klein/Baldonado system fails to teach wherein message settings consist of alternative message settings that may be used in the stead of default message settings and wherein the step of selecting comprises selecting either the default message setting or the alternative messaging setting.

Thorne, in a similar field of endeavor, teaches the message settings field specifying a default message setting that may be used for outgoing messages (Thorne: col 8, lines 27-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Thorne for using control flags to indicate setting attributes and having default control flags. The teachings of Thorne, when implemented in the Ramsdell/Klein/Baldonado system, will allow one of ordinary skill in the art to quickly identify particular message settings characteristics, including default settings, in a Boolean fashion. One of ordinary skill in the art would be motivated to utilize the teachings of Thorne in the Ramsdell/Klein/Baldonado system in order to provide more flexibility with the use of message settings.

The Ramsdell/Klein/Baldonado/Thorne system does not teach wherein message settings consist of alternative message settings that may be used in the stead of default message settings and wherein the step of selecting comprises selecting either the default message setting or the alternative messaging setting.

An official notice is taken that such use of specifying alternative settings and selecting either the default or alternative setting as a method of optimizing the selection of a final setting was well known in the art at the time the invention was made by one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize these known teachings for allowing entry of alternative settings. These teachings, when implemented in the Ramsdell/Klein/Baldonado/Thorne system, will allow one of ordinary skill in the art to choose an alternative setting in place of the default if certain characteristics are noted. One of ordinary skill in the art would

be motivated to utilize these teachings in the Ramsdell/Klein/Baldonado/Thorne system in order to allow quick customization by enabling users to set alternative settings.

Regarding claim 20, the Ramsdell/Klein/Baldonado/Thorne system does not teach wherein the messaging settings are specified in order of preference.

An official notice is taken that such use of specifying between settings in an order of preference as a method of optimizing the selection of a final setting was well known in the art at the time the invention was made by one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize these known teachings for allowing priority entry of alternative settings. These teachings, when implemented in the Ramsdell/Klein/Baldonado/Thorne system, will allow one of ordinary skill in the art to choose an alternative setting in a preferential fashion and in place of the default for a outgoing email. One of ordinary skill in the art would be motivated to utilize these teachings in the Ramsdell/Klein/Baldonado/Thorne system in order to automatically set settings in a manner most likeable by the user.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999); in view of Klein (US 6,496,853 B1), Baldonado (US 7,035,903 B1), and Thorne et al (US 5,958,005); and in further view of Carpenter et al (US 5,544,316).

Regarding claim 18, the Ramsdell/Klein/Baldonado/Thorne system teaches wherein the received message (Ramsdell: pg 23, lines 21-43 specify the use of headers of a received message to identify characteristics) comprises control flags indicating the required message characteristics (Thorne: Figure 4 depicts the header information such as the Secure flag and either the secret/confidential/restricted flag; Figure 3, item 310 into 304 depicts the secure flag indicates whether the subsequent secret/confidential/restricted flag is required).

The Ramsdell/Klein/Baldonado/Thorne system does not teach having a flag indicate which control flags are optional.

Carpenter, in a similar field of endeavor, teaches wherein user defined attributes are assigned either a 'required' or 'optional' flag (Carpenter: col 43, lines 6-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Carpenter for utilizing optional and required control flags. The teachings of Carpenter, when implemented in the Ramsdell/Klein/Baldonado/Thorne system, will allow one of ordinary skill in the art to quickly identify which message characteristics are either optional or required. One of ordinary skill in the art would be motivated to utilize the teachings of Carpenter in the Ramsdell/Klein/Baldonado/Thorne system in order to enforce certain characteristics upon a user, while allowing others to remain optional.

12. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999); in view of Klein (US 6,496,853 B1) and Baldonado (US 7,035,903 B1); and in further view of Official Notice.

Regarding claim 49, the Ramsdell/Klein/Baldonado system teaches wherein the message characteristics of the receive message comprise a multitude of typical message characteristics (Klein: col 9, lines 3-15).

The Ramsdell/Klein/Baldonado system does not teach wherein the characteristics are selected from the group consisting of: message format and message font.

An official notice is taken that such use of message format and message font as user-specifiable message characteristics was well known in the art at the time the invention was made by one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize these known teachings for controlling message format and font. These teachings, when implemented in the Ramsdell/Klein/Baldonado system, will allow one of ordinary skill in the art to mime message font and format. One of ordinary skill in the art would be motivated to utilize these known teachings in the Ramsdell/Klein/Baldonado system in order to apply the intended recipient controlled characteristics to commonly adjusted settings.

13. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999); in view of Klein (US 6,496,853 B1) and Baldonado (US 7,035,903 B1); and in further view of Atkins (RFC 1991, August 1996).

Regarding claim 35, the Ramsdell/Klein/Baldonado system does not teach wherein the message signing and message encryption are signing and encryption according to PGP.

Atkins, in a similar field of endeavor, teaches wherein the message signing and message encryption are signing and encryption according to PGP (Atkins: Pg 2, lines 14-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Atkins for using PGP. The teachings of Atkins, when implemented in the Ramsdell/Klein/Baldonado system, will allow one of ordinary skill in the art to encrypt or sign messages with yet another standard. One of ordinary skill in the art would be motivated to utilize the teachings of Atkins in the Ramsdell/Klein/Baldonado system in order to provide messaging with multiple signing and encryption capabilities and therefore make it more compatible for communication with a variety of clients and enable the invention to be reasonably practiced.

Citation of Pertinent Prior Art

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Bates et al (US 7,769,817 B2) discloses a system for identifying related email messages to the currently-being-composed one.

b. Cook (US 2004/0025057 A1) discloses a system for identifying a recipient's security settings and modifying using the settings.

c. Koch (US 2005/0091327 A1) discloses a system that displays recipient preferences to a sender.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./
Examiner, Art Unit 2442

/KEVIN BATES/
Primary Examiner, Art Unit 2456